IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10988 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARISHBHAI N MISTRY - Petitioner(s)

Versus

WOOD POLYMERS LIMITED - Respondent(s)

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Appearance :

MR TR MISHRA for Petitioner No(s).: 1.

RULE NOT RECD BACK for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

` **Date : 14/07/2005**

ORAL JUDGMENT

1. Though served none appears on behalf of the respondent. Hence, the matter is taken up for final hearing today.

2. This petition is directed against the order dated 21st January, 1998 passed by the Labour Court, Navsari in Reference [L.C.N.] No. 585 of 1982, whereby the Labour Court has suspended the proceedings below Exh. 97 & 98 of the Reference.

3. The short facts of the case are that the petitioner who was working with the respondent Company raised an industrial dispute over his illegal termination of service in the year 1982. It is the case of the petitioner that in the meantime, the respondent Company made an application before the Labour Court that since the company is under the B.I.F.R. the proceedings may be suspended. The Labour Court without any cogent reason suspended the proceedings of the Reference. Hence, this petition.

4. I have heard the learned counsel for the petitioner. Having perused the materials placed on record, it transpires that though the proceedings were pending since the year 1982, the Labour Court has suspended the proceedings without any justification. I am of the opinion that merely because the Company is before the B.I.F.R., the Labour Court is not barred from

proceeding with the matter. The adjudication before the Labour Court is to determine the legality and validity of the order passed by the respondent. There is no coercive action in the aforesaid matter. Therefore, the Labour Court should not have passed the impugned orders. Thus, on this sole ground the order passed by the Labour Court is required to be quashed and set aside.

5. In the result the petition is allowed. The order dated 21st January, 1998 passed by the Labour Court, Navsari, in Reference [L.C.N.] No. 585 of 1982, is quashed and set aside. However, the Labour Court is directed to complete the proceedings within a period of six months from the date of receipt of writ of this order. Rule is made absolute to the aforesaid extent with no order as to costs. Interim relief if any, stands vacated.

[**K.S. JHAVERI, J.]**

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